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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ELIZABETH HOLMES and
RAMESH "SUNNY" BALWANI,
Defendants.

) Case No. CR-18-00258-EJD

)
) **DECLARATION OF AMY MASON SAHARIA**
) **IN SUPPORT OF MOTION TO DISMISS AS**
) **TIME-BARRED COUNTS THREE THROUGH**
) **EIGHT AND TEN OF THE SECOND**
) **SUPERSEDING INDICTMENT AND COUNTS**
) **THREE THROUGH EIGHT, TEN, AND**
) **ELEVEN OF THE THIRD SUPERSEDING**
) **INDICTMENT**

)
) Hon. Edward J. Davila

)

I, AMY MASON SAHARIA, declare as follows:

1. I represent Defendant Elizabeth Holmes and have been admitted to practice *pro hac vice* in the above-captioned matter. I submit this declaration in support of Ms. Holmes' Motion to Dismiss as Time-Barred Counts Three Through Eight and Ten of the Second Superseding Indictment and Counts Three Through Eight, Ten and Eleven of the Third Superseding Indictment ("Motion"). I attest to the

DECLARATION OF AMY MASON SAHARIA IN SUPPORT OF MOTION TO DISMISS AS TIME-BARRED COUNTS THREE THROUGH EIGHT AND TEN OF THE SECOND SUPERSEDING INDICTMENT AND COUNTS THREE THROUGH EIGHT, TEN, AND ELEVEN OF THE THIRD SUPERSEDING INDICTMENT

following facts upon which the motion relies.

2. Attached to the motion are two exhibits. The content of the exhibits are as follows:

a. Exhibit A is a true and correct copy of a March 6, 2020, letter from Assistant United States Attorney John Bostic providing notice of evidence the government intends to introduce at trial pursuant to Federal Rule of Evidence 404(b).

b. Exhibit B is a true and correct copy of an August 21, 2020, email from Assistant United States Attorney Robert Leach to Lance Wade.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of August, 2020 in Chevy Chase, MD.

Amy M. Saharia
AMY MASON SAHARIA
Attorney for Elizabeth Holmes

DECLARATION OF AMY MASON SAHARIA IN SUPPORT OF MOTION TO DISMISS AS TIME-BARRED COUNTS THREE THROUGH EIGHT AND TEN OF THE SECOND SUPERSEDING INDICTMENT AND COUNTS THREE THROUGH EIGHT, TEN, AND ELEVEN OF THE THIRD SUPERSEDING INDICTMENT